

### Senator Sam Ervin Says ...

WASHINGTON — In an age which has witnessed more and more regulation over business and personal affairs, consumer advocates have come up with a drastic piece of legislation to do what they say is not being done by a multitude of existing regulatory agencies.

The measure carries the impressive title of Consumer Protection Organization Act of 1972 and is supported by complaints that the consumer is not being well protected in this age of technology and mass marketing. The question which I have been at pains to point out in recent days is not whether there are consumer problems but how should we go about dealing with them.

What has been lost sight of by many is that there are already more laws on the statute books designed to protect consumers than on any other subject. Some of these laws came over with the first settlers. Some have come into being during this century. To keep matters in perspective, we should recall that since early times it has been a civil and criminal offense to cheat or defraud another.

As life has grown more complex, Congress has passed many laws on this subject. It has created agencies, commissions and regulatory bodies to insure that the public interest is protected in transportation, health, safety, trade and commerce.

In the last two decades, Congress has passed more than a dozen major consumer acts. They are the Flammable Fabrics Act of 1953, the Pesticide Chemical Amendments of 1954, the Fireworks Transportation Control Act of 1954, the Safety Devices Act of 1956 (to protect children from being locked into abandoned refrigerators), the Hazardous Substances Labeling Act of 1960, the Food, Drug and Cosmetic Amendments of 1960 and 1962, the Fair Packaging and Labeling Act of 1966, the Radiation Control for Health Act of 1968, the Wholesale Poultry Act of 1968, the Wholesale Meat Act of 1969, the Child Protection and Safety Toy Act of 1969, and the Truth-in-Lending Act of 1969.

It is now said by advocates of the consumer protection bill that these laws and their administrators may be at fault when consumer interests are not protected, and therefore we need a new agency whose paramount interest will be the consumer. Before one is swayed by this line of reasoning, permit me to mention that a better argument was used in behalf of the Prohibition Amendment by the great evangelist, Billy Sunday, when he assured the American people that one of our consumer problems would be solved by a change in the Constitution. In rosy language, he portrayed what America would be like if we would not enact a law to control alcoholic beverages.

He said: "The slums will soon be only a memory. We will turn our prisons into factories and our jails into storehouses and corn cribs. Men will walk upright now. Women will smile and the children will laugh. Hell will be forever for rent." The noble experiment failed in spite of the best intentions of its authors.

What ought to be recognized is that this bill creates a new agency to do what a multitude of other federal agencies are said to have failed to do; i. e., protect the consumer. It seems to me that Congress ought to make inquiry as to the sufficiency of the laws under which these regulatory agencies act. If the particular laws are insufficient to promote the public interest they ought to be amended, and if they are sufficient, we ought to ascertain if the administrators are performing the statutory duties imposed upon them.

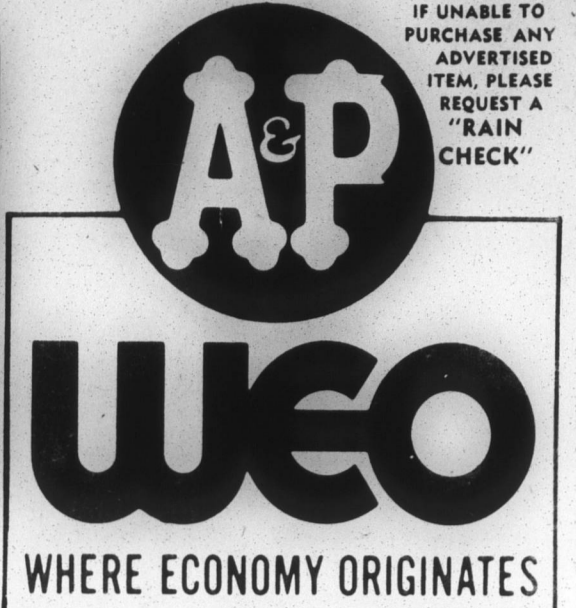
Instead, this proposal says that we are not going to rewrite particular regulatory laws; we are not going to condemn regulators who are incompetent to administer laws; we will just create another all powerful agency whose cost must be borne by the taxpayers.

There is danger in this. It subjects our entire economic system to everchanging non-statutory standards promulgated by an administrator in Washington. He will have the power to say where, and when, and how consumers shall be protected.

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